



**Exhibit E**

COPY OF COLORADO STATE TRS STATUTES  
AND  
COLORADO PUC TRS RULES



# **COLORADO REVISED STATUTES**

\*\*\* This document reflects changes current through all laws passed at the 1st Regular Session of the Sixty-Eighth General Assembly of the State of Colorado as well as Constitutional and Statutory amendments approved at the General Election on November 6, 2012 \*\*\*

## **TITLE 40 UTILITIES PUBLIC UTILITIES**

### **ARTICLE 17. TELECOMMUNICATIONS RELAY SERVICES FOR DISABLED TELEPHONE USERS**

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#### **C.R.S. 40-17-101 (2012)**

##### **40-17-101. Legislative declaration**

(1) The general assembly hereby finds, determines, and declares that many of Colorado's residents are unable to utilize telecommunications facilities without assistance and are therefore disabled telephone users. Disabled telephone users include, but are not limited to, the deaf, the hard of hearing, the speech-impaired, the deaf-blind, and those with central nervous system disabilities. Disabled telephone users constitute a substantial and valuable resource within the United States and the state of Colorado, and this segment of our population needs access to telecommunications facilities in order to be contributing and productive members of our society. The role of telecommunications in our world today is inestimable. Telecommunications is the primary vehicle of commerce and industry, the means to convey and receive information and knowledge, and is one of the ways we communicate with others on a personal as well as business level. Telecommunications results in greater independence and self-sufficiency by expanding the channels for employment opportunities, the market for goods and services, human contact, and fellowship. Disabled telephone users should have equal access to this critical tool, not only for their own sake, but for the benefit of society at large. The ability to use telecommunications will enhance the business and personal lives of disabled telephone users, while stimulating and promoting economic development in Colorado. The general assembly recognizes the vitality and potential of Colorado's disabled, including disabled telephone users. Telecommunications is vital to our society, and its availability to disabled telephone users is an investment of benefit to all of Colorado.

(2) The general assembly therefore concludes that it is appropriate to provide access to telecommunications for disabled telephone users by establishing telecommunications relay services that replace and expand the dual party relay system required pursuant to this article as said article existed prior to July 1, 1992.

**HISTORY:** Source: L. 92: Entire article R&RE, p. 2132, § 1, effective July 1.

Cross references: For excavation requirements for underground utility facilities, see article 1.5 of title 9; for requests for criminal activity information from public utilities, see article 15.5 of title 16; for authority and procedure for the valuation and assessment of public utilities, see article 4 of title 39; for organization and operation of special districts, see title 32.

Editor's note: This article was added in 1989 and was not amended prior to 1992. The provisions of this article were repealed and reenacted in 1992, resulting in the addition, relocation, and elimination of sections as well as subject matter. For the text of this article prior to 1992, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated.

Editor's note: This section is similar to former § 40-17-101 as it existed prior to 1992.

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### **C.R.S. 40-17-102 (2012)**

#### **40-17-102. Definitions**

As used in this article, unless the context otherwise requires:

- (1) "Commission" means the public utilities commission of the state of Colorado.
- (2) "Local exchange company" means a telecommunications company that provides telephone access lines to members of the general public who are its customers.
- (3) "Telecommunications relay services" means any telecommunications transmission services that allow a person who has a hearing or speech disability to communicate by wire or radio in a manner that is functionally equivalent to the ability of a person who does not have a hearing or speech disability. Such term includes any service that enables two-way communication between a person who uses a telecommunications device or other non voice terminal device and a person who does not use such a device.
- (4) "Telephone access line" means the access to the local exchange network, as defined in tariffs approved by the commission, from the premises of an end user customer of a local exchange company to the telecommunications network to effect the transfer of information.

**HISTORY:** Source: L. 92: Entire article R&RE, p. 2133, § 1, effective July 1.

Editor's note: This section is similar to former § 40-17-102 as it existed prior to 1992.

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## **C.R.S. 40-17-103 (2012)**

### **40-17-103. Commission - powers and duties**

- (1) The commission shall administer and contract for telecommunications relay services.
- (2) The commission shall adopt rules for the implementation of this article. The rules shall:
  - (a) Conform with section 401 of the federal "Americans with Disabilities Act of 1990", 47 U.S.C. sec. 225, including provision for state application to the federal communications commission for certification;
  - (b) Be consistent with the commission's quality of service rules;
  - (c) Require that providers relay communicated messages promptly and accurately, maintain the privacy of persons who receive telecommunications relay services, and preserve confidentiality of all parties in connection with relayed messages;
  - (d) Specify the types of calls that are included as telecommunications relay services, specifically requiring that the costs of any long-distance service or any other service that is not a basic local exchange service be borne by the disabled telephone user.
- (3) The commission shall, through the promulgation of rules, develop and implement a mechanism to recover its costs and the cost to local exchange companies in implementing and administering telecommunications relay services required by this article. The mechanism shall, at a minimum, provide for the following:
  - (a) The assessment of a monthly surcharge on each telephone access line, which surcharge may be adjusted by the commission in accordance with paragraph (d) of this subsection (3). The monthly surcharge shall be an amount sufficient to reimburse the commission for its costs in developing, implementing, and administering telecommunications relay services, which administrative costs shall not exceed three percent of the total costs, to reimburse local exchange companies for their administrative costs in imposing and collecting the surcharge, and to cover the costs of providers in rendering the service.
  - (b) A requirement that the monthly surcharge be imposed upon and collected from each individual telephone access line provided by a local exchange company;
  - (c) A requirement that the surcharge be listed as a separate item that appears on each customer's monthly billing statement;
  - (d) An annual adjustment to the surcharge by the commission when necessary to accurately reflect a change in the cost of providing telecommunications relay services;
  - (e) The authority of a local exchange company to deduct and retain as reimbursement for its administrative costs an amount not to exceed three-quarters of one percent of the amount of total monthly surcharges collected by such local exchange company. In addition, the mechanism shall include a requirement that any remaining amount of moneys be transmitted to the state treasurer who shall credit the same to the "Colorado Disabled Telephone Users Fund" created by section 40-17-104.

(f) A requirement that each local exchange company maintain a record of the monthly surcharge imposed on each customer and collected by the local exchange company. The record of any monthly surcharge imposed and collected shall be maintained for three years from the date of billing. The commission may require an audit of a local exchange company's records, which audit shall be at the commission's expense.

(4) Repealed.

**HISTORY:** Source: . L. 92: Entire article R&RE, p. 2134, § 1, effective July 1. L. 93: (3)(e) amended, p. 1794, § 93, effective June 6. L. 96: (4) repealed, p. 1225, § 32, effective August 7. L. 2001: (2)(a) amended, p. 1283, § 65, effective June 5.

Editor's note: This section is similar to former § 40-17-104 as it existed prior to 1992.

Cross references: For the legislative declaration contained in the 1996 act repealing subsection (4), see section 1 of chapter 237, Session Laws of Colorado 1996.

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### **C.R.S. 40-17-104 (2012)**

#### **40-17-104. Colorado disabled telephone users fund - creation - purpose**

(1) Except as otherwise authorized to be retained by section 40-17-103 (3) (e), all moneys collected by the local exchange companies in accordance with said section shall be transmitted to the state treasurer, who shall credit the same to the Colorado disabled telephone users fund, which fund is hereby created and is referred to in this article as the "fund". On July 1, 1992, any moneys in the Colorado disabled telephone users fund created by section 40-17-103, as said section existed prior to July 1, 1992, shall be credited to the fund as created by this section. The general assembly shall make annual appropriations out of such fund for the administration of the fund and shall make annual appropriations to the reading services for the blind cash fund, created in section 24-90-105.5 (5), C.R.S., for use by the state librarian in support of privately operated reading services for the blind. The moneys in such fund not used for administration of such fund, not used for the reading services for the blind cash fund, and not used for the Colorado commission for the deaf and hard of hearing cash fund created in section 26-21-107, C.R.S., are hereby continuously appropriated to the public utilities commission for the reimbursement of providers who render telecommunications services authorized by this article.

(2) and (3) Repealed.

(4) (a) Notwithstanding any provision of subsection (1) of this section to the contrary, the general assembly shall make annual appropriations from the Colorado disabled telephone users fund to the Colorado commission for the deaf and hard of hearing cash fund, created in section 26-21-107, C.R.S.

(b) and (c) Repealed.

(d) Notwithstanding any provision of subsection (1) of this section to the contrary, the general assembly shall make annual appropriations from the Colorado disabled telephone users fund to cover authorized expenses associated with the Colorado commission for individuals who are blind or visually impaired, created in article 8.7 of title 26, C.R.S. Any annual appropriation made from the Colorado disabled telephone users fund by the general assembly shall not exceed an amount of one hundred twelve thousand sixty-seven dollars.

(5) and (6) (Deleted by amendment, L. 2006, p. 1170, § 1, effective May 25, 2006.)

**HISTORY:** Source: . L. 92: Entire article R&RE, p. 2135, § 1, effective July 1. L. 98: Entire section amended, p. 1361, § 122, effective June 1. L. 99: (1) amended and (3) added, p. 971, § 1, effective May 28. L. 2000: (1) amended and (4) added, p. 1628, § 4, effective June 1. L. 2002: (5) added, p. 159, § 20, effective March 27; (4)(c) added, p. 777, § 3, effective May 30; (2) and (3) repealed, p. 1006, § 2, effective August 7; (3) repealed, p. 261, § 2, effective August 7. L. 2003: (6) added, p. 459, § 21, effective March 5. L. 2006: (4)(a), (5), and (6) amended, p. 1170, § 1, effective May 25. L. 2007: (4)(d) added, p. 1222, § 4, effective August 3.

Editor's note: (1) This section is similar to former § 40-17-103 as it existed prior to 1992.

(2) (a) Subsection (4)(b)(II) provided for the repeal of subsection (4)(b), effective July 1, 2001. (See L. 2000, p. 1628.)

(b) Subsection (4)(c)(II) provided for the repeal of subsection (4)(c), effective July 1, 2003. (See L. 2002, p. 777.)





Effective September 18, 2012, Emergency Rules of Cap to Switched Access /HCSM expired.  
 Brackets [ ] and red text indicate where expired text has been removed.  
 Effective December 30, 2011, HCSM Rules adopted in Docket No. 10R-191T,  
 Effective September 14, 2010, Fining Rules adopted in Docket No. 09R-845T.

## **COLORADO DEPARTMENT OF REGULATORY AGENCIES**

### **✓ Public Utilities Commission**

#### **4 CODE OF COLORADO REGULATIONS (CCR) 723-2**

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**2808. Service Deposit.**

Providers shall not collect a service deposit in order to initiate LITAP service, if the qualifying low-income customer voluntarily elects toll limitation from the carrier, where available. If toll limitation is unavailable, the carrier may charge a service deposit.

**2809. Federal Reporting Requirements.**

Each ETC shall file information with the administrator of the federal Lifeline program demonstrating that the carrier's LITAP plan meets the criteria set forth in 47 C.F.R., Part 54, Subpart E, and stating the number of qualifying low-income customers and the amount of state assistance.

**2810. – 2819. [Reserved]**

**Telecommunications Relay Services for Disabled Telephone Users**

**Basis, Purpose, and Statutory Authority**

The basis and purpose of these rules is to implement Article 17 of Title 40, C.R.S., Telecommunications Relay Services (TRS) for Disabled Users compliant with the federal Americans with Disabilities Act of 1990 and which are consistent with the Commission's quality of service rules; require relay-communicated messages to be delivered promptly, accurately, privately, and confidentially; specify the types of calls that are included as telecommunications relay services; and implement a cost recovery mechanism.

The statutory authority for the promulgation of these rules is found at §§ 40-3.4-106; 40-15-502(3)(a); 40-17-103(2) and (3); and 40-2-108, C.R.S.

**2820. Applicability.**

Rules 2820 through 2839 are applicable to all providers of basic local exchange telecommunications services, certificated to do business in the state.

**2821. Definitions [Reserved].**

**2822. Incorporation by Reference.**

References in rules 2820 through 2839 to Part 64 are references to rules issued by the FCC and have been incorporated by reference, as identified in rule 2008.

**2823. Conformity with the Federal Americans with Disabilities Act of 1990.**

- (a) Adoption of federal regulations. For the purpose of providing telecommunications relay services in Colorado, the Commission adopts the FCC's rules and regulations establishing mandatory minimum operational and technical standards, found at 47 C.F.R. §§ 64.601 and 64.604 (a) and (b). These rules require that telecommunication relay service providers relay communicated messages promptly and accurately, maintain the privacy of persons who receive telecommunications relay services, and preserve confidentiality of all parties in connection with relayed messages.

- (b) **Enforcement.** The Commission shall resolve any formal complaint alleging a violation of this rule pursuant to its normal complaint process, except that the Commission shall take final action regarding such formal complaint within 180 days after the formal complaint is filed.
- (c) **Public access to information.** All local exchange providers and IXC's, through publication in their directories, periodic billing inserts, placement of telecommunications relay services instructions in telephone directories, through directory assistance services, and incorporation of telecommunications relay service numbers in telephone directories, shall assure that callers in their service areas are aware of the availability and the use of telecommunications relay services.
- (d) The FCC has assigned the abbreviated dialing code 7-1-1 for access to telecommunications relay services. All providers of local exchange services must allow for call completion using this abbreviated dialing code.
- (e) **Jurisdictional separation of costs.**
  - (I) Where appropriate, the costs of providing telecommunications relay services shall be separated in accordance with applicable federal separations procedures and agreements (see § 40-15-108(1)).
  - (II) Costs caused by interstate telecommunication relay services shall be recovered according to applicable federal rule. Costs caused by intrastate telecommunication relay services shall be recovered from the intrastate jurisdiction consistent with this rule.

#### **2824. Conformity with the Commission's Quality of Service Rules.**

The provider of TRS in Colorado shall be subject to any applicable Commission quality of service rule(s). In the case of conflict between the Commission's rule and the federal rule incorporated by reference in rule 2822, the more stringent of the two shall apply.

#### **2825. Rates – Calls Included as Telecommunications Relay Calls.**

Intrastate local, intraLATA interexchange, and interLATA interexchange calls shall be included as TRS. The costs of any toll service or any other service that is not a basic local exchange service is to be borne by the TRS user; however, the TRS user shall pay rates no greater than the rate paid for functionally equivalent voice communication services with respect to factors such as the duration of the call, the time of day, and the distance from the point of origination to the point of termination.

#### **2826. Commission Powers and Duties.**

- (a) The Commission shall administer and contract for telecommunications relay services with a telecommunications provider (Contractor). The Commission, as Administrator, shall direct that the cost of these services shall be paid from the Colorado Disabled Telephone Users Fund. The contract shall conform to these rules, and shall make available adequate procedures and remedies for enforcing the requirements.

- (b) Each month, the Contractor shall request reimbursement of its expenses from the Commission. The Commission shall, upon its approval of the expenses, remit the approved amount to the Contractor and shall debit the approved amount from the Colorado Disabled Telephone Users Fund.

**2827. Administration of the Colorado Disabled Telephone Users Fund.**

- (a) Fund administration. The Commission shall determine, and by appropriate order, impose a uniform charge on each business and residential access line in a uniform amount. In order to adjust the uniform charge the Commission requires certain information. To assist the Commission:
  - (I) In compliance with annual state budget cycle timelines and requirements, the Commission shall estimate its administrative expenses incurred under §§ 40-17-101 through 104, C.R.S.
  - (II) If the monthly uniform charge, per access line, as determined by the Commission, exceeds 15 cents, the Commission shall within 20 days prepare a report for the Legislative Appropriation Committees which would justify any additional increase in the monthly uniform charge.
- (b) Uniform charge.
  - (I) The uniform charge imposed pursuant to § 40-17-103(3)(a), C.R.S., shall be billed to each access line provided by each LEC.
  - (II) The uniform charge shall not be included in each subscriber's bill as part of the subscriber's base rate. The uniform charge shall be listed as a separate item appearing on each customer's monthly billing statement as rendered by each local exchange provider. The charge shall be listed as the "Colorado Telecommunications Relay Service Fund."
  - (III) Upon collecting the uniform charge, each local exchange provider may retain, from the total charges collected, a vendor fee in the amount of three-fourths of one percent of the amount of total monthly uniform charges collected by such local exchange provider. The vendor fee is intended to reimburse local exchange providers for administrative costs in imposing and collecting the uniform charge. No later than the last day of the following month, each local exchange provider shall remit to the Commission or the State Treasurer the amount the provider collected for the previous month, less the applicable vendor fee. The funds collected shall be credited to the Colorado Disabled Telephone Users Fund.
  - (IV) Every month, each local exchange provider shall submit to the Commission a completed "Colorado Telecommunications Relay Service Surcharge" form. This form is available from the Commission or its website.
    - (A) The following information is required:
      - (i) Company name, as is on-file with the Commission;

- (ii) The name, telephone number, facsimile number, and e-mail address, if available, of the person preparing the form on behalf of the provider;
  - (iii) The month for which the charges are being reported;
  - (iv) The number of access lines being reported;
  - (v) The total surcharge amount collected for the month being reported;
  - (vi) Adjustments to customer bills;
  - (vii) The vendor fee being withheld; and
  - (viii) The total remittance.
- (B) The "Colorado Telecommunications Relay Service Surcharge" form must be signed and dated by a company representative authorized to do so. The name and telephone number of the most appropriate company representative to whom questions may be directed must also be included on the form.

**2828. – 2839. [Reserved].**

#### **High Cost Support Mechanism and High Cost Administration Fund**

##### **Basis, Purpose, and Statutory Authority**

The basis and purpose of these rules is to establish the process used by the Commission to implement and the provisions of the high cost support mechanism while remaining consistent with the relevant rules and orders of the FCC.

The statutory authority for the promulgation of these rules is found at §§ 40-3-102, 40-15-208(2)(a), 40-15-502, and 40-2-108, C.R.S.

##### **2840. Applicability.**

Rules 2840 through 2869 govern the operation of the Colorado High Cost Support Mechanism (HCSM) and the Colorado High Cost Administration Fund and shall apply to all providers of intrastate telecommunications services.

##### **2841. Definitions.**

The following definitions apply only in the context of rules 2840 through 2869:

- (a) "Administrator" means the Commission, or a designee employed by the Commission, pursuant to § 40-15-208(3), C.R.S., that performs the administrative functions of the HCSM under the direction of the Commission.
- (b) "Average-schedule rural provider" means a rural telecommunications service provider that is an average-schedule company as defined and used in 47 C.F.R. §§ 69.605 through 69.610.







## **Exhibit F**

**COPY OF COLORADO PUC RATE ORDER  
SETTING TRS SURCHARGE AT 20 CENTS**



Decision No. C10-0768

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 10M-518T

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IN THE MATTER OF ADJUSTMENT TO THE MONTHLY SURCHARGE FOR PROVIDING  
TELECOMMUNICATIONS RELAY SERVICES FOR DISABLED TELEPHONE USERS.

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**ORDER SETTING THE UNIFORM CHARGE FOR  
EACH APPLICABLE ACCESS LINE AT TWENTY CENTS  
PER MONTH TO SUPPORT THE COLORADO  
TELECOMMUNICATIONS RELAY SERVICES  
FOR DISABLED TELEPHONE USERS**

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Mailed Date: August 20, 2010  
Adopted Date: August 18, 2010

**I. BY THE COMMISSION**

**A. Statement**

1. The Colorado Telecommunications Relay Services for Disabled Telephone Users (TRS) was established by the Colorado Legislature in 1989. *See* § 40-17-101 *et seq.*, C.R.S. The Commission, in 1994, adopted Rules Prescribing the Implementation of Article 17 of Title 40, C.R.S. Telecommunications Relay Services for Disabled Telephone Users, now codified at Rule 2800, *et seq.*, of the Commission's Rules Regulating Telecommunications Providers, Services, and Products, 4 *Code of Colorado Regulations* (CCR) 723-2. Pursuant to Rule 2827(a), 4 CCR 723-2, the Commission shall determine, and by appropriate order, impose a uniform charge on each business and residential access line in a uniform amount in order to fund the TRS program. Further, Rule 2827(b), 4 CCR 723-2, provides:

- (I) The uniform charge imposed pursuant to § 40-17-103(3)(a), C.R.S., shall be billed to each access line provided by each LEC.
- (II) The uniform charge shall not be included in each subscriber's bill as part of the subscriber's base rate. The uniform charge shall be listed as a

separate item appearing on each customer's monthly billing statement as rendered by each local exchange provider. The charge shall be listed as the "Colorado Telecommunications Relay Service Fund."

2. Pursuant to Rule 2827(b)(IV), 4 CCR 723-2, every month each local exchange provider shall submit to the Commission a completed "Colorado Telecommunications Relay Service Surcharge" form. This form is available from the Commission on its website. *See* Exhibit A to this Decision. This form is accompanied by a remittance to the Disabled Telephone Users Fund (DTUF).

3. The current TRS uniform charge has been in effect since March 1, 2009. *See* Decision No. C06-0080 in Docket No. 09M-028T. Since the current TRS uniform charge was established, certain trends and events have taken place that have resulted in a lower than acceptable fund balance. Specifically, some carriers have continued to lose telephone subscribers and therefore serve fewer access lines. Additionally, the Legislature has appropriated nearly \$1,300,000 from the DTUF to fund the following programs: Reading Services for the Blind; the Colorado Commission for the Deaf and Hard of Hearing; and the Colorado Commission for the Visually Impaired. Captioned telephone relay services grew from some four thousand minutes in FY 2004 to nearly one million minutes in FY 2010.

4. Considering the current fund balance, revenue, and expenditure projections for FY 2011, and statutory fund balance requirements, the Commission finds it necessary to increase the TRS uniform charge on each eligible access line beginning October 1, 2010. The current uniform charge of 12 cents per access line per month shall be increased to 20 cents per access line per month so as to maintain an adequate, but not excessive, fund balance.

**II. ORDER****A. The Commission Orders That:**

1. Effective October 1, 2010, the uniform charge imposed upon each business and residential access line to fund the Colorado Telecommunications Relay Services for Disabled Telephone Users Program is increased from 12 cents per access line per month to 20 cents per access line per month to comply with the requirements of § 40-17-103(3), C.R.S.

2. Every month, no later than the last day of the month, for the preceding month each local exchange provider shall remit the amount due to the Commission and the completed “Colorado Telecommunications Relay Service Surcharge” form available from the Commission’s website.

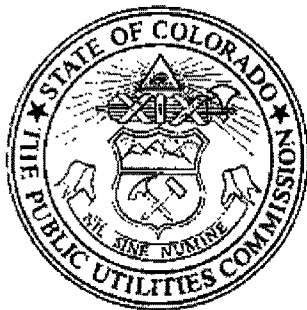
3. The uniform charge of 20 cents per month shall be included in each applicable subscriber’s bill as a separate line item and shall be listed as the “Colorado Telecommunications Relay Service Fund.”

4. The 20-day time-period provided for by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration begins on the first day after the mailing of this Order.

5. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
August 18, 2010.**

(S E A L)



ATTEST: A TRUE COPY

*Doug Dean*

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RONALD J. BINZ

JAMES K. TARPEY

MATT BAKER

Commissioners

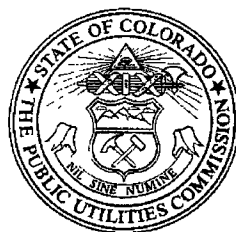


## **Exhibit G**

COPY OF ANNUAL MESSAGE  
FROM THE  
STATE RELAY ADMINISTRATOR  
and  
COPY OF THE STATE RELAY ADVISORY COMMITTEE BYLAWS







**State of Colorado  
Public Utilities Commission  
Telecommunications Relay Services**

**Message from the State Relay Administrator  
Joe Benedetto**

**State Relay Advisory Committee Meeting  
Denver, Colorado  
July 19, 2012**

